

SPECIAL SESSION RUSH COUNTY BOARD OF COMMISSIONERS MAY 28, 2010

The Rush County Board of Commissioners met in special session, Friday, May 28th, 2010 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Leigh Morning, County Attorney and Heather Carlton, Deputy Auditor, in attendance. Auditor Deborah Adams was absent.

Commissioner Tom Barnes called the meeting to order. Barnes noted that the meeting was requested by Area Plan Director Bill Todd regarding where the County and City of Rushville stood concerning the Park Restaurant being constructed in a flood plain. Present from the City of Rushville were: Mayor Merv Bostic, Billy Ray Goins, President of the City Council, Ann Copley, City Clerk Treasurer, and Ron Wilson, City Attorney.

AREA PLAN

Area Plan Director Bill Todd discussed that in 2006 Larry Conover requested and was granted a building permit for a food deck. Instead of constructing an open deck, a room was actually constructed which increased the building size. Todd wrote Conover a letter stating he had exceeded his building permit. Conover then presented building plans for the new room and a walk in cooler on the north side of the building. At that time Todd told Conover he would have to get a Design Release from the State, which Conover did obtain.

On August 30, 2007, Conover was issued a variance for a covered entryway which did not need State approval.

In 2009, the restaurant caught fire and burnt. Todd discussed with Conover the possibility that some of the building could be salvageable. Conover decided to tear the building completely down. Upon new construction of the building, Conover asked for an additional 10 foot variance on south side of building to put in handicap restrooms, which was required. Conover was granted the Design Release from the State, and the BZA approved and granted him the variance. Conover then came back and asked to make the building rectangular instead of "L" shaped. Todd instructed him that no variance was needed from BZA but that he would need to seek approval from the Board of Works. Board of Works met on February 2, 2010, and approved Conover's request. Also at the February 2, 2010 City Council meeting Mayor Merv Bostic acknowledged and addressed the parking issues at the restaurant. Bostic stated that after the "newness" of the building wears off, he will discuss with Rushville Police Chief Ron Cameron the possibility of doing a parking survey to see if additional parking is needed.

After construction on building started, Todd received a letter from Mr. Treadway, an attorney from Indianapolis, to produce certain documents under the Indiana Open Records Act. Upon receipt of letter, Todd conducted a review of the file, and found that a permit to build in a flood plain was required. At that time an immediate stop work order was issued.

SURVEYOR

Marvin Rees presented a map that the Army Corp Engineers had drawn up of the watershed for Hodges Branch. Rees stated that the correctness of the map is in question.

COMMISSIONERS

Commissioner Barnes discussed the possibility of requesting the State to remove the flood plain designation in that area. If this is something the City wants to pursue, proper documentation and a Flood Survey has to be sent in before the application is submitted. Area Plan Director Bill Todd asked COOR Consulting for a quote to do a Flood Survey of Hodges Branch located between 8th and 9th Street. COOR Consulting will be responsible for all necessary field work, office calculations, document preparation and submittals required in the preparation of a Letter of Map Amendment (LOMA) through the offices of the Indiana Department of Natural Resources (DNR) and FEMA. The cost of such survey will be \$9,875. The time frame on completion of the survey is still in question. Commissioner Barnes stated that if the City wishes to take this route, the County will request COOR to oversee the project at the cost of the City. Commissioner Barnes also stated that it is the City's decision on how to proceed, but that the County will be involved to assist with the drainage and the request for the survey.

Motion to adjourn was received from Marvin Cole. Ken Masters seconded the motion. Motion carried.

/s/ Tom Barnes
Tom Barnes, Chairman

/s/Marvin Cole
Marvin Cole

/s/Ken Masters
Ken Masters

ATTEST:

/s/ Deborah Adams
Deborah Adams, Auditor